

Message Text

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ACTION L-03

INFO OCT-01 AF-08 ISO-00 PM-04 DODE-00 H-02 CIAE-00 CPR-01

(ISO) W

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R 191143Z MAY 76

FM AMEMBASSY ADDIS ABABA

TO SECSTATE WASHDC 9476

INFO USCINCEUR

LIMITED OFFICIAL USE ADDIS ABABA 6027

E.O. 11652: N/A

TAGS: PFOR ET

SUBJECT: IMMUNITIES OF MAAG NCO'S

REF: A. CHMAAG 061308Z MAY 76

B. USCINCEUR 071738Z MAY 76

C. ADDIS ABABA 5500 (DTG 070936Z MAY 76)

D. STATE 119060 (DTG 141645Z MAY 76)

E. STATE 087113 (DTG 082025Z MAY 73)

F. STATE 221227 (DTG 070002Z DEC 72)

1. REF D APPEARS TO CONTRADICT INTENT AND INSTRUCTIONS OF
REFS E AND F UPON WHICH EMBASSY AND MAAG HAVE BEEN WORKING
OVER THE YEARS. DEPARTMENT AND DOD WILL RECALL THAT ARTICLE
IV (1) OF MUTUAL DEFENSE ASSISTANCE AGREEMENT (MDAA) OF
1953 (TIAS 2787) STATES THAT MAAG PERSONNEL WILL IN THEIR
RELATIONS WITH THE IEG OPERATE AS A PART OF THE EMBASSY UNDER
THE DIRECTION AND CONTROL OF THE AMBASSADOR AND WILL HAVE THE
SAME STATUS OF OTHER PERSONNEL WITH CORRESPONDING RANK OF
THE EMBASSY. PARA 1 (B) OF REF E REFERRED TO THE VIENNA CON-
VENTION AND NOTED THAT ALTHOUGH IT WAS NOT STRICTLY REQUIRED,
IT WOULD BE DESIRABLE IF MAAG PERSONNEL AND ADMIN/TECH STAFF
IN ETHIOPIA ENJOY THE SAME PRIVILEGES AND IMMUNITIES AS
ETHIOPIAN ADMIN/TECH STAFF IN WASHINGTON. PARA 1 (C) OF
REF E NOTED THAT ALL ETHIOPIAN MISSION PERSONNEL IN WASHING-
TON INCLUDING ADMIN/TECH STAFF WERE CURRENTLY GRANTED
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COMPLETE CIVIL AND CRIMINAL IMMUNITY.

2. EMBASSY BELIEVES REF E'S PARA 1 (E) ESPECIALLY APPLIES AND IS HEREBY QUOTED IN FULL: "VIENNA CONVENTION PROVISION FOR CIVIL IMMUNITY FOR ADMIN. AND TECH. STAFF ONLY IN OFFICIAL DUTY CASES IS IDENTICAL TO CIVIL IMMUNITY STATUS OF PERSONNEL AT KAGNEW STATION. HOWEVER, "ASSIMILATION" OF MAAG PERSONNEL TO KAGNEW PERSONNEL IS NOT DESIRABLE AS IT CONFUSES DIPLOMATIC PRIVILEGES WITH STATUS OF FORCES MATTERS. MAAG PERSONNEL ARE ASSIGNED TO WORK WITH EMBASSY AND HOST GOVERNMENT ON SECURITY ASSISTANCE MATTERS AND THEIR WORK CONCERNS GOVERNMENT-TO-GOVERNMENT RELATIONS; THEY HAVE NOTHING TO DO WITH KAGNEW OPERATIONS AND SHOULD NOT BE IN ANY WAY CONNECTED TO THE DEFENSE INSTALLATIONS AGREEMENT".

3. EMBASSY IS ESPECIALLY RELUCTANT TO TAKE AN ACTION IN THE HUNT CASE WHICH COULD BE DESCRIBED PER PARA 4, REF 3, AS A WAIVER OF DIPLOMATIC IMMUNITIES AND THEREFORE "AN EXTRAORDINARY ACTION".

4. REF F RECALLS DISCUSSIONS BETWEEN US AMBASSADOR HALL AND ETHIOPIAN FONMIN KETEMA YIFRU ON 1/20/69 IN WHICH AMBASSADOR HALL TOLD KETEMA ON USG INSTRUCTIONS THAT USG "HOLDS ALL PERSONNEL OF THE MAAG ASSIGNED TO ETHIOPIA PURSUANT TO THE MUTUAL DEFENSE ASSISTANCE AGREEMENT OF 1953 TO ENJOY FULL IMMUNITY UNDER ARTICLE 4C OF THE AGREEMENT. THIS STATUS IS CONSIDERED TO DERIVE FROM THE IMMUNITY WHICH MY GOVERNMENT ASSUMES IS ENJOYED BY ALL U.S. NATIONALS ASSIGNED TO THE U.S. EMBASSY IN ADDIS ABABA (AND WHICH CORRESPONDS TO THE IMMUNITY ENJOYED BY ALL ETHIOPIAN NATIONALS ASSIGNED TO THE EMBASSY OF THE IMPERIAL ETHIOPIAN GOVERNMENT IN WASHINGTON, D.C.)".

5. EMBASSY REQUESTS URGENT CLARIFICATION OF THE ISSUE OF MAAG NCO IMMUNITY STATUS.
HUMMEL

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